

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

RICHARD MA and FRED DEVEREAUX,  
individually and on behalf of all others similarly  
situated,

Plaintiffs,

v.

MAPFRE U.S.A. CORP. and THE COMMERCE  
INSURANCE COMPANY,

Defendants.

Case No. 1:23-cv-12059

BRIAN CONWAY, individually and  
on behalf of all similarly situated persons,

Plaintiff,

v.

MAPFRE U.S.A. CORP. and THE COMMERCE  
INSURANCE COMPANY,

Defendants.

Case No. 1:23-cv-12076

PAMELA BROWN, individually and  
on behalf of all others similarly situated,

Plaintiff,

v.

MAPFRE U.S.A. CORP. and THE COMMERCE  
INSURANCE COMPANY,

Defendants.

Case No. 3:23-CV-12101

LYNNE ALEXANDEROWICS, individually and  
on behalf of all similarly situated persons,

Plaintiff,

v.

MAPFRE U.S.A. CORP. and THE COMMERCE  
INSURANCE COMPANY,

Defendants.

Case No. 4:23-CV-40125

BRIAN RAY, individually and  
on behalf of all similarly situated persons,

Plaintiff,

v.

MAPFRE U.S.A. CORP. and THE COMMERCE  
INSURANCE COMPANY,

Defendants.

Case No. 1:23-CV-12214

VERONICA GREGORY, individually and  
on behalf of all similarly situated persons,

Plaintiff,

v.

MAPFRE U.S.A. CORP. and THE COMMERCE  
INSURANCE COMPANY,

Defendants.

Case No. 1:23-cv-12225

**DECLARATION OF KATE M. BAXTER-KAUF IN SUPPORT OF PLAINTIFFS'  
MOTION FOR APPOINTMENT OF INTERIM CO-LEAD CLASS COUNSEL**

I, Kate M. Baxter-Kauf, declare as follows:

1. I am an attorney admitted to practice law in the State of Minnesota and have been engaged in the practice of law for approximately twelve years, with the majority of my practice devoted to plaintiffs in the litigation of complex and class actions, primarily in the areas of data breach, cybersecurity and privacy, antitrust, and consumer protection. I am a partner at Lockridge Grindal Nauen P.L.L.P. (“LGN”), which is a 70+ lawyer law firm based in Minneapolis, Minnesota. I am counsel for Plaintiff Brian Ray in this litigation. I have personal knowledge of the matters stated in this declaration except those stated on information and belief, and as to those, I believe them to be true. If called upon, I could and would competently testify to them.

2. I am one of Plaintiff’s counsel in *Ray v. MAPFRE U.S.A. Corp et al*, 1:23-CV-12214 (D. Mass). I submit this declaration in support of Plaintiffs’ Unopposed Motion to Consolidate Related Actions and Appoint Interim Co-Lead Class Counsel, which among other things, moves the Court to appoint as interim co-lead counsel: Jason Rathod of Migliaccio & Rathod LLP (“M&R”), Andrew W. Ferich of Ahdoot & Wolfson PC (“AW”), Mark B. DeSanto of Berger Montague PC (“BM”), Gary F. Lynch of Lynch Carpenter LLP, Joseph P. Guglielmo of Scott + Scott Attorneys At Law LLP, and myself (collectively, “Proposed Counsel”).

### **EXPERIENCE**

3. LGN has, and will have the experience, expertise, and resources to effectively litigate any and all issues related to this litigation.

4. I am a subject matter expert in cases involving the compromise of driver’s license information through online quoting platforms or by insurance companies, and am currently prosecuting several of these cases across the country, either as primary or appointed counsel. I’m currently court-appointed co-lead counsel in *Johnson et al. v. Cornerstone National Insurance Co.*,

No. 22-cv-04135-WJE (W.D. Mo.) (appointed Interim Co-Lead Class Counsel); *Holmes et al. v. Elephant Insurance Co. et al.*, No. 3:22-cv-00487 (E.D. Va.) (appointed Interim Co-Lead Counsel). I am also a pre-approved member of leadership team in conjunction with co-lead counsel appointment in *In re: Geico Customer Data Breach Litig.*, No. 1:21-cv-002210-KAM-SJB (E.D.N.Y) and primary counsel with one other firm in *Stallone v. Farmers Grp., Inc.*, No. 2:21-cv-1659 (D. Nev.), *Greenstein et al. v. Noblr Reciprocal Exchange*, No. 21-04537 (N.D. Cal.), and *Park v. American Family Life Insurance Company et al.*, No. 22-cv-171 (W.D. Wis.). All of these cases involve similar claims against insurance companies under similar fact patterns, and I have been substantially involved in all aspects of the litigation, including investigations and complaint drafting, experts, motion practice, discovery and electronic discovery, and appeals.

5. I also have extensive experience in more traditional data breach or other privacy class actions. I currently serve as court-appointed co-lead counsel an additional privacy class action, *In re: BPS Direct, LLC, and Cabela's, LLC, Wiretapping Litigation*, MDL No. 3074 (E.D. Pa.) (appointed Interim Co-Lead Counsel), and have been appointed to executive committees in *In re: Apple Data Privacy Litigation*, No. 22-cv-07069 (N.D. Cal.), *Baker v. ParkMobile, LLC*, No. 21-cv-2182 (N.D. Ga.) and *In re Netgain Technology, LLC, Consumer Data Breach Litigation*, No. 21-cv-01210 (D. Minn.).

6. I have extensive experience prosecuting data breach and privacy class actions and have been involved with all aspects and stages of each litigation. I am also experienced in coordinating with a team of Plaintiffs' counsel to work together to prosecute such actions efficiently and without duplication. I have been involved in reaching consensus on behalf of all counsel in this litigation about the proposed leadership structure and am committed to prosecuting the case cooperatively and efficiently on behalf of the class.

7. I was also substantially involved in a number of complex class action matters including data breach litigation and other class actions in state and federal courts including: *In re Anthem, Inc. Data Breach*, No. 15-02617 (N.D. Cal.); *In re Arby's Restaurant Group, Inc. Data Security Litigation*, Civil Action No. 17-00514 (N.D. Ga.); *In re Capital One Consumer Data Security Breach Litigation*, No. 1:19-md-2915 (E.D. Va.); *In re Community Health Systems, Inc. Customer Security Data Breach Litig.*, No. 15-00222, MDL 2595 (N.D. Ala.); *Dittman et al. v. UPMC*, No. GD-14-003285 (Allegheny Cty., Pa.); *In re Equifax, Inc., Customer Data Security Litigation*, No. 17-02800 (N.D. Ga.); ; *First Choice Federal Credit Union et al., v. The Wendy's Company et al.*, No. 16-00506 (W.D. Pa.); *Greater Chautauqua Federal Credit Union, et al. v. Kmart Corporation, et al.*, No. 15-02228 (N.D. Ill.); *In re Home Depot, Inc., Customer Data Security Breach Litig.*, No. 14-02583 (N.D. Ga.); *In re Premiera Blue Cross Customer Data Security Breach Litig.*, No. 15-2633 (D. Or.); *SELCO Community Credit Union v. Noodles & Company*, No. 16-02247 (D. Colo.); *Ploss et al. v. Kraft Foods Gorup, Inc. et al*, No. 15-2937 (N.D. Ill.); *Storm et al. v. Paytime, Inc.*, No. 14-01138 (M.D. Pa.); *In re Supervalu, Inc., Customer Data Security Breach Litig.*, MDL No. 2586 (D. Minn.); *In re Target Corp. Customer Data Security Breach Litig.*, No. 14-02522 (D. Minn.); *Veridian Credit Union v. Eddie Bauer LLC*, No. 17-00356 (W.D. Wa.); *In re Yahoo! Inc. Customer Data Security Breach Litigation*, No. 16-02752 (N.D. CA); *Soderstrom et al v. MSP Crossroads Apartments LLC et al*, No. 16-cv-02784-SHM-dkv (D. Minn.); *Khoday v. Symantec Corp.*, No. 11-cv-180-JRT-TNL (D. Minn.); *In re Medtronic, Inc. Shareholder Litigation*, A15-0858 (Minn.); *In re Regions Morgan Keegan Open-End Mutual Fund Litigation*, No. 2:07-cv-02784-SHM-dkv (W.D. Tenn); *In re Wholesale Grocery Products Antitrust Litigation*, MDL No. 2090 (D. Minn.); *Turnidge et al v. TruGreen Limited Partnership*, No. 27-CV-14-14711 (Henn. Cty. Dist. Ct.); *UrbanWorks Architecture LLC v. Hunt Associates et al*, Nos.

27-CV-14-8415 & 27-CV-16-10241 (Henn. Cty. Dist. Ct.); and *Zimmerman v. Riverplace Counseling Center, Inc.*, No. 02-CV-19-6522 (Anoka Cty. Dist. Ct.).

8. I was named a 2022 Minnesota Attorney of the Year for recognition of my pro bono work and I am a frequent speaker on data breach and privacy issues at conferences across the country, especially related to Article III standing, attorney-client privilege, and data breach litigation. I also currently serve on the Steering Committee of the Sedona Conference Working Group 11 on Data Security and Privacy Liability.

9. In addition to myself, the other attorneys at my firm are well-versed in data breach and privacy litigation. I work extensively with partner Karen Hanson Riebel, who has served as court-appointed co-lead counsel in some of the largest data breach cases in the country, including *In re: Capital One Consumer Data Security Breach Litigation*, No. 19-md-02915 (E.D. Va.), which achieved a landmark settlement after two years of hard-fought litigation. She also served as co-lead counsel for financial institutions in *In re Arby's Restaurant Group, Inc. Data Security Litigation*, No. 17-00514 (N.D. Ga.) and *Greater Chautauqua Federal Credit Union, et al. v. Kmart Corp. et al.*, No. 15-02228 (N.D. Ill.), for patients in *In re: Community Health Systems, Inc., Customer Security Data Breach Litig.*, No. 15-00222-KOB (N.D. Ala.), and as a member of a four-person executive committee on behalf of consumers in *In re Yahoo! Inc. Customer Data Security Breach Litigation*, No. 16-02752 (N.D. Cal.).

#### **PRE-SUIT INVESTIGATION**

10. I, and other attorneys at LGN, have dedicated substantial time and resources to this litigation and will continue to commit all necessary resources to litigating this case. My firm and I investigated all aspects of this litigation, including the details of the data disclosure, Defendants

MAPFRE U.S.A. Corp. and the Commerce Insurance Co., the impact of the data disclosure on consumers, and relevant law and causes of action, before filing this action,

11. In the course of investigating this case, my firm researched, among other things: the causes of the data disclosure, the number and location of persons affected by the data disclosure, the nature of the information included in the disclosure, details of each Defendant's business and activities, Defendants' public statements regarding the data disclosure, the notices sent to persons affected by the data disclosure, and class member experiences concerning the data disclosure and its consequences.

12. My firm and I are prepared and able to spend all the necessary time and resources to ensure the best representation for Plaintiffs and the putative class, including advancing costs and expenses. My firm does not use, and has never required, third-party litigation funding. It also has substantial cash reserves to fund the litigation.

13. I believe that the appointment of Proposed Counsel as Interim Class Counsel will lead to the most efficient and organized litigation of these cases as possible.

14. A copy of my and my firm's resume is attached hereto as **Exhibit A**.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 28<sup>th</sup> day of September, 2023, in Minneapolis, Minnesota.

/s/ Kate M. Baxter-Kauf  
Kate M. Baxter-Kauf